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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/815,071
Filing Date: March 31, 2004
Appellant(s): LAWRENCE ET AL.

_____
Christopher King
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/26/2007 appealing from the Office action mailed

June 4, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

| 2005/0033803 | Vleet | 02-2005 |
| 2002/0059425 | Belfiore | 05-2002 |

2002/0178383   Hrabik   11-2002

2004/0187075   Maxham   09-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, 11, 13, 14, 16-22, 28, 30-35, 38, 40-41, 43-49 and 55 are rejected under 35

U.S.C. 102(e) as being anticipated by Vleet (US 2005/0033803).

Regarding claims 1 and 28, Vleet discloses a method and a computer-readable medium

containing program code, comprising: capturing an event associated with an article (See page 2,

paragraph [0023], lines 4-9, and [0025]), wherein the event comprises event data (See page 2,

paragraph [0023], lines 4-9); indexing the event, the indexing comprising extracting at least

some of the event data (See pages 2-3, paragraph [0026], lines begin at page 3); creating a

related event object related to the event and based on at least a portion of the extracted even data

(See page 2, paragraph [0026], lines 1-17]), wherein the related event object is associated with a

set of one or more related events (paragraph [0027], "URL accesses"); creating a second level

related event object comprising the related event object and a set of one or more other related

event objects (See page 3, paragraph [0027], wherein creating a second level related event object

corresponds to "event data captured by the event history server 32 reflects actions performed by

users during browsing of a particular website or set of websites"); associating the second level

related event object, the related event object, and the one or more other related events objects (See paragraph [0027]); and storing at least a portion of the extracted event data, the related event object, and the second level related event object (See paragraphs [0026-0027], wherein event history server 32 captures and stores event data and event objects).

Regarding claims 3 and 30, Vleet discloses wherein the related event object is stored at a first location within a data store (See page 2, paragraph [0026] and paragraphs [0035], [0037]).

Regarding claims 4 and 31, Vleet discloses wherein at least a portion of the event data is stored at a second location within the data store (See page 2, paragraph [0026] and paragraphs [0035], [0037]).

Regarding claims 5 and 32, Vleet discloses wherein the event is captured in real-time and indexing the event occurs close in time to capturing the event (See pages 2-3, paragraph [0026], lines begin at page 3 and paragraph [0042]).

Regarding claims 6 and 33, Vleet discloses wherein the event is a historical event and indexing the event is delayed in time after occurrence of the event (See page 2 paragraph [0026]).

Regarding claims 7 and 34, Vleet discloses wherein the article is associated with a client

application (See page 2, paragraph [0023]) and the related event object comprises a list of

different events associated with the article (See pages 2-3, paragraph [0025] and [0027]).

Regarding claims 8 and 35, Vleet discloses wherein the article comprises a web page and

the related event object comprises a list of events comprising accesses to a URL for the web page

(See page 3, paragraph [0027]).

Regarding claims 11 and 38, Vleet discloses wherein the article comprises a word

processing document and the related event object comprises a list of events comprising at least

some of load, save and print events associated with the word processing file (See paragraph

[0045]).

Regarding claims 13 and 40, Vleet discloses wherein the article is associated with a client

application (See page 2, paragraph [0023]) and the related event object comprises a list of

different events associated with the article (See pages 2-3, paragraph [0025] and [0027]), and the

second level related event object comprises a list of other related event objects comprising

articles associated with the client application associated with a specific directory (See page 4,

paragraph [0044] and [0046]).

Regarding claims 14 and 41, Vleet discloses wherein the article comprises a web page

and the related event object comprises accesses to a URL for the web page associated with a

website, and the second level related event object comprises a list of other related events objects comprising accesses to URLs associated with the website (See page 3, paragraph [0027]).

Regarding claims 16 and 43, Vleet discloses wherein the first location within the data store comprises a database (See Fig. 2 and paragraph [0053]).

Regarding claims 17 and 44, Vleet discloses wherein the second location within the data store comprises a repository (See Fig. 2 and paragraph [0053]).

Regarding claims 18 and 45, Vleet discloses after creating the related event object: capturing at least one second event associated with the article; indexing the second event; determining that the second event relates to the related event object; creating a pointer between the second event and related event object; and updating the related event object to record the second event. Please see paragraphs [0026-0027].

Regarding claims 19 and 46, Vleet discloses wherein the at least one second event comprises a plurality of second events, the method further comprising: serially repeating the steps of capturing, indexing, determining, creating and updating for each additional second event. Please see paragraphs [0026-0027].

Regarding claims 20 and 47, Vleet discloses receiving a search query; retrieving events relevant to the search query; retrieving related event objects having related event object data for

the relevant events; and ranking the relevant events based at least in part on the event data and

the related event object data.

Regarding claims 21 and 48, Vleet discloses receiving a search query (See reference 110,

Fig. 4 and corresponding text); retrieving events relevant to the search query (See page 3,

paragraph [0028] and page 6, paragraphs [0062-0063]); retrieving related event objects having

related event object data for the relevant events (See page 3, paragraph [0028] and page 6,

paragraphs [0062-0063]); and outputting the relevant events based at least in part on the event

data and the related event object data (See page 3, paragraph [0028]).

Regarding claims 22 and 49, Vleet discloses receiving updated event data for the event

and associating the updated event data with the event (See page 2, paragraph [0025]).

Regarding claim 55, Vleet discloses all the subject matter as addressed above, thus

rejected at the same ground.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 9-10, 15, 36-37 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vleet (US 2005/0033803), in view of Belfiore (US 2002/0059425).

Regarding claims 9 and 36, Vleet discloses all the claimed subject matter as set forth

above. However, Vleet is silent as to wherein the article comprises an email message and the

related event object comprises a list of events comprising email messages in an email thread.

Belfiore teaches the article comprises an email message and the related event object comprises a

list of events comprising email messages in an email thread (See page 13, paragraph [0142],

[0146-0147] and [0267], Belfiore et al. The Examiner notes that these limitations are not

functionally involved in the steps or elements of the recited. Therefore these limitations are

deemed to be nonfunctional descriptive material. The steps of method would be performed the

same regardless of what type of articles. Thus this nonfunctional descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack,

703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. .). Therefore, it would have been obvious

to one having ordinary skill in the art at the time of the invention was made to place email

message as one of articles and list of events comprising email messages because such type of

article does not functionally relate to the elements of the claimed system and because the

subjective interpretation of different types of articles does not patentably distinguish the claimed

invention.

Regarding claims 10 and 37, Vleet/Belfiore discloses wherein the article comprises an

instant messenger message and the related event object comprises a list of events comprising

instant messenger messages in a conversation (See page 2, paragraph [0020], Belfiore et al.) and

as analyzing similar as addressed above in claim 9.

Regarding claims 15 and 42, Vleet/Belfiore discloses wherein the article comprises an

instant messenger message and the related event object comprises a list of events comprising

instant messenger messages in a conversation, and the second level related events object

comprises a list of other related event objects comprising instant message conversations

associated with a particular user as addressed above in claims 9 and 10.

Claims 23-25 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vleet (US 2005/0033803), in view of Hrabik (US 2002/0178383).

Regarding claims 23 and 50, Vleet discloses all the claimed subject matter as set forth

above. However, Vleet is silent as to a fingerprint of the event data is computed. On the other

hand, Hrabik teaches a fingerprint of the event is computed (See 514, "database of event

"fingerprints" and paragraph [0056], Hrabik et al.). It would have been obvious to one having

ordinary skill in the art at the time of the invention was made to create a fingerprint for the event

data. The motivation would have been to consolidate security of event based on analyzing the

event data collected by the collection engine (See paragraph [0056], Hrabik et al.).

Regarding claims 24 and 51, Vleet/Hrabik discloses wherein the fingerprint is computed

by analyzing text associated with the event (See [0056], Hrabik et al.).

Regarding claims 25 and 52, Vleet/Hrabik discloses wherein the fingerprint is computed by analyzing a location and time associated with the event (See [0056], Hrabik et al.).

Claims 26-27 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vleet (US 2005/0033803), in view of Hrabik (US 2002/0178383), and further in view of Maxham (US 2004/0187075).

Regarding claims 26 and 53, Vleet/Hrabik discloses all the claimed subject matter as set forth above. However, Vleet/Hrabik is silent as to wherein the fingerprint is used to determine if the event is a duplicate event that has already been indexed. Maxham, on the other hand, teaches comparing the fingerprints of documents to find the duplicate documents (See page 3, paragraph [0036], Maxham et al.). Although Maxham system uses fingerprint to determine duplicate document, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply Maxham fingerprint feature on detecting duplicate event of Vleet/Hrabik system because the event itself broadly considered as file or document. The motivation would have been to eliminate duplicate events so that processing event faster and less time comsumed.

Regarding claims 27 and 54, Vleet/Hrabik/Maxham discloses the event is not indexed if the event is determined to be a duplicate event and access statistics associated with the related event object are updated as Maxham teaches duplicate document is discarded from uploading (See paragraph [0036], Maxham et al.).

(10) Response to Argument

Response to the Appellants' argument A on the rejection under 102 (e):

Claims 1, 28, and 55:

Appellant argues (Appeal Brief, page 10, lines 12-13), Vleet "fails to disclose tracking event relationships via second level event objects". The Examiner respectfully point out that tracking event relationships via second level event objects was not claimed.

Appellant argues (Appeal Brief, page 11, lines 2-4), "Vleet does not discloses "creating a second level related event object comprising the related event object and a set of one or more other related event objects"…Since Vleet fails to disclose such a second level related event object, it necessarily follows that Vleet also cannot disclose "associating the second level related event object, the related event object, and the one or more other related events objects'.

In response, the Examiner is not persuaded. Vleet teaches "creating a second level related event object comprising the related event object and a set of one or more other related event objects" as corresponds to "event data captured by the event history server 32 reflects actions performed by users during browsing of a particular website or set of websites" (See paragraph [0027], Vleet et al.) wherein a second level related event object comprising actions performed by users during browsing of a particular website or a set of websites (one having skill in the art would have recognized that website comprising plurality of web pages, thus actions performed by users during browsing website(s) associating related events on web pages) and the related event objects are URL accesses of that particular website. [1] Thus, associating the second

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[1] Please notes that paragraph [0040] of the Applicant's specification states "For this case, a second level related events object can be used to refer to www.cnn.com and may point to the related objects for the web pages within a web site or specific URLs within specific websites, such www.cnn.com/technology and www.cnn.com/technology/space".

level related event object, the related event object, and the one or more other related events

objects.

Dependent claims 2-8, 11-14, 16-22, 29-35, 38-41 and 43-49 of the present application are also

rejected for at least the same reasons.

Response to Appellants' arguments B on the rejection under 35 U.S.C. 103(a) over Vleet and

Belfiore:

Claims 9-10, 15, 36-37 and 42:

Appellant argues (Appeal Brief, page 12, lines 5-7), "Vleet fails to discloses "creating a

second level related event object comprising the related event object and a set of one or more

other related event objects." Belfiore similarly fails to do so." The Examiner is not persuaded.

Vleet teaches "creating a second level related event object comprising the related event object

and a set of one or more other related event objects" as addressed above (In the response to

Appellant's argument A section). Furthermore, the limitation of "creating a second level related

event object comprising the related event object and a set of one or more other related event

objects" is referred to Vleet et al. reference.

Response to Appellants' arguments C on the rejection under 35 U.S.C. 103(a) over Vleet and

Hrabik:

Claims 23-25 and 50-52:

Appellant argues (Appeal Brief, page 13, lines 3-5), "Vleet fails to disclose "creating a

second level related event object comprising the related event object and a set of one or more

other related event objects." Hrabik similarly fails to do so." The Examiner is not persuaded.

Vleet teaches "creating a second level related event object comprising the related event object and a set of one or more other related event objects" as addressed above (In the response to Appellant's argument A section). Furthermore, the limitation of "creating a second level related event object comprising the related event object and a set of one or more other related event objects" is referred to Vleet et al. reference.

Response to Appellants' arguments D on the rejection under 35 U.S.C. 103(a) over Vleet, Hrabik and Maxham:

Claims 26-27 and 53-54:

Appellant argues (Appeal Brief, page 13, lines 17-19), Vleet and Hrabik "fail to disclose "creating a second level related event object comprising the related event object and a set of one or more other related event objects." Maxham similarly fails to do so." The Examiner is not persuaded. Vleet teaches "creating a second level related event object comprising the related event object and a set of one or more other related event objects" as addressed above (In the response to Appellant's argument A section). Furthermore, the limitation of "creating a second level related event object comprising the related event object and a set of one or more other related event objects" is referred to Vleet et al. reference.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respective submitted,

MN

February 14, 2008

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